



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,922	02/20/2004	Joseph Patino	CE12398JEM	7261
34952	7590	06/29/2005	EXAMINER	
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. 551 N.W. 77TH STREET, SUITE 111 BOCA RATON, FL 33487			GRANT, ROBERT J	
			ART UNIT	PAPER NUMBER
			2838	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

4571

Office Action Summary	Application No. 10/783,922	Applicant(s) PATINO ET AL.	
	Examiner Robert Grant	Art Unit 2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7-9 and 12-21 is/are rejected.
- 7) ☒ Claim(s) 3,6,10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2-20-04 1 page</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 5, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Fernandez (US 5,371,453).

As to claim 1, Fernandez discloses a battery system, as seen in figure 1, comprising: a battery (element 121); a thermistor (element 129), with a first end and a second end; a memory device (element 122); a plurality of contacts adapted to be communicatively coupled with a battery charger including a battery data contact (element 140), a battery clock contact (element 150); and wherein the battery charger selectively performs at least one of clocking the memory device and reading a value of the thermistor, through one of the battery charger clock contact and the battery data contact (column 3, lines 5-7).

As to claim 4, Fernandez discloses the system according to claim 1, wherein the memory device is one of an erasable programmable read only memory (EPROM), an electrically erasable programmable read only memory (EEPROM), a non-volatile random access memory (RAM) and a FLASH memory (Column 2, line 47).

As to Claim 5, Fernandez discloses the system according to claim 1, wherein the battery charger is one of a stand- alone charger and a host device (Figure 1).

As to Claim 7, Fernandez discloses a battery charging system comprising: a battery charger (Figure 1, element 110); a battery (Element 121); thermistor (element 129), with a first end and a second end; memory device (Element 122); a plurality of contacts adapted to be communicatively coupled with the battery charger including a battery data contact (element 140), a battery clock contact (element 150); and a memory device (element 122); wherein the battery charger selectively performs at least one of clocking the memory device and reading a value of the thermistor, through one of the battery charger clock contact and the battery data contact (Column 3, lines 5-7).

As to claim 8, Fernandez discloses the system according to claim 7, wherein the memory device is one of an erasable programmable read only memory (EPROM), an electrically erasable programmable read only memory (EEPROM), a non-volatile random access memory (RAM) and a FLASH memory (Column 2, lines 47).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez in view of DeMuro (US 5,506,490).

As to Claim 2 and 9, which are dependent upon claims 1 and 7 respectively, Fernandez discloses wherein the memory device comprises: a clock port communicatively coupled to the battery clock contact and the first end of the thermistor (figure 1, element 129 and 150). Fernandez does not expressly disclose a voltage identifying element. DeMuro discloses a data port communicatively coupled to the battery data contact and the first end of a voltage identifying element (figure 1, element 32 and 34). It would have been obvious to a person having ordinary skill in the art at the time of this invention to combine the teachings of Fernandez with the voltage identifying element as taught by DeMuro for the benefit of allowing the charger recognize the battery and pull the charging parameters from memory based on the voltage identifying element.

3. Claim 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez in view of Patino (US 5,710,505).

As to Claim 12, Fernandez discloses all the limitations of claim 7, but does not disclose a first and second switch for selectively placing voltage on the battery contact. Patino discloses wherein the battery charger comprises a microprocessor, a first switch, and a second switch, for selectively placing a voltage on the battery data contact (Figure 3, element 328). It would have been obvious to a person having ordinary skill in the art at the time of this invention to combine the teachings of Patino's switch having two regulated voltage supplies with Fernandez's design in order to allow the ability to

easily measure two different characteristic of battery through one contact of a three contact battery.

As to claim 13, Fernandez in view of Patino disclose the system according to claim 12, wherein the microprocessor is programmed to selectively operate the first switch and the second switch (Patino: Column 2, lines 64-67 and Column 3, lines 1-4).

As to claim 14, Fernandez in view of Patino disclose the system according to claim 13, wherein the microprocessor reads a value of the thermistor coupled to the battery clock contact in response to closing the first switch (Patino: column 3, lines 4-7).

As to claim 15, Fernandez in view of Patino disclose the system according to claim 13, wherein the microprocessor generates a clock signal on a node coupled to the clock contact in response to closing the second switch (Patino: Column 3, lines 7-11).

As to claim 16, Fernandez in view of Patino disclose the system according to claim 12, wherein said microprocessor comprises an analog-to-digital converter and an output, the analog-to-digital converter and the output both coupled to the clock contact (Patino: Seen in figure 3).

As to claim 17, Fernandez discloses a battery charger comprising (Figure 1): a data contact for receiving a battery data contact (Element 140); a clock contact for receiving a battery clock contact (Element 150); and a microprocessor (element 130), communicatively coupled to the data contact (element 140), the clock contact (Element 150). Fernandez does not expressly disclose two switches coupled to the data contact and selectively outputting a clock signal to the clock contact and reading a value of a

Art Unit: 2838

battery thermistor. Patino discloses at least two switches, communicatively coupled to the data contact, for selectively placing a voltage on the data contact (Column 2, lines 64-67, and Column 3, lines 1-4); and the two switches, for selectively performing at least one of outputting a clock signal to the clock contact and reading a value of a battery thermistor coupled through one of the battery clock contact and the battery data contact (Column 3, lines 1-11). It would have been obvious to a person having ordinary skill in the art at the time of this invention to combine the teachings of Patino's switch having two regulated voltage supplies with Fernandez's design in order to allow the ability to easily measure two different characteristic of battery through one contact of a three contact battery.

As to claim 18, Fernandez in view of Patino disclose the battery charger according to claim 17, wherein the microprocessor is programmed to selectively operate the two switches (Patino: Column 2, lines 64-67 and Column 3, lines 1-4).

As to claim 19, Fernandez in view of Patino disclose the battery charger according to claim 18, wherein the microprocessor reads a value of the thermistor coupled to the battery clock contact in response to closing a first switch of the two switches (Patino: Column 3, lines 4-7).

As to 20, Fernandez in view of Patino disclose the battery charger according to claim 18, wherein the microprocessor generates a clock signal on a node coupled to the clock contact in response to closing a second switch of the two switches (Patino: column 3, lines 7-11).

As to 21, Fernandez in view of Patino disclose the battery charger according to claim 20, wherein the microprocessor comprises an analog-to-digital converter and an output, the analog-to-digital converter and the output both coupled to the clock contact (Patino: seen in Figure 3).

Allowable Subject Matter

4. Claims 3, 6, 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claims 3,6, 10 and 11, recite, inter alia, a switch communicatively coupled between the second end of the thermistor and the second end of the voltage identifying element, for selectively reading a value of the thermistor and outputting a clock signal to a memory device clock port.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Grant whose telephone number is 571-272-2727. The examiner can normally be reached on M-F 8:30-5.

Art Unit: 2838

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on 571-272-2084. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RG



6/27/05

MICHAEL SHERRY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800